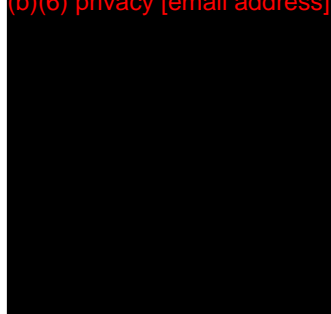


To: Jim Martin/R8/USEPA/US@EPA[]
From: James Martin <(b)(6) privacy [email address]>
Sent: Tue 2/5/2013 4:29:06 PM
Subject: Fwd: Wyoming got EPA to delay fracking study finding
(b)(6) privacy [email address]



CONS-AWL-RESILIENT-HABITATS@LISTS.SIERRACLUB.ORG
fran.hunt@sierraclub.org

<http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2012/05/03/national/a120922D62.DTL>
<http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2012/05/03/national/a120922D62.DTL>
<http://www.sfgate.com/barack-obama/>
<http://www.endocrinedisruption.org>

Begin forwarded message:

From: James Martin <(b)(6) privacy [email address]>
Date: May 06, 2012 10:59:50 AM
To: Tim Wirth <twirth@unfoundation.org>
Subject: Re: Wyoming got EPA to delay fracking study finding

Thx. Been a wild ride.

Jim

Sent from my iPhone

On May 6, 2012, at 9:13 AM, Tim Wirth <twirth@unfoundation.org> wrote:

> Jim: in case you missed this. T

>

> -----

> Sent from my BlackBerry Wireless Handheld

>

>

> ----- Original Message -----

> **From:** Theo Colborn [mailto:(b)(6) privacy [email address]]

> **Sent:** Friday, May 04, 2012 03:20 PM

> **To:** Anne Ehrlich (b)(6) privacy [email address]

> **Cc:** (b)(6) privacy [email address]; Tim Wirth; Mirth (b)(6) privacy [email address]

> (b)(6) privacy [email address]

> **Subject:** Re: Fwd: Wyoming got EPA to delay fracking study finding

>

> Isn't this incredible? In one instance it made Obama look good. What a terrific job of investigative

reporting.

>

> We need to get this reporter to find out what prompted the State level BLM to defer the gas lease sale in our North Fork

> of the

> Gunnison River Valley. The local BLM claims they do not know why.

>

>

>

> On 5/4/2012 12:01 PM, Anne Ehrlich wrote:

>>

>>> Date: Fri, 4 May 2012 09:51:04 -0400

>>> Sender: Resilient Habitats <CONS-AWL-RESILIENT-HABITATS@LISTS.SIERRACLUB.ORG>

>>> From: Fran Hunt <fran.hunt@sierraclub.org>

>>> Subject: Wyoming got EPA to delay fracking study finding

>>>

>>> <<http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2012/05/03/national/a120922D62.DTL>><http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2012/05/03/national/a120922D62.DTL>

>>>

>>>

>>>

>>>

>>> AP Exclusive: Wyoming got EPA to delay frack finding

>>>

>>>

>>>

>>>

>>> By MEAD GRUVER, Associated Press

>>>

>>> Thursday, May 3, 2012

>>>

>>> (05-03) 12:29 PDT Cheyenne, Wyo. (AP) --

>>>

>>> Wyoming's governor persuaded the head of the U.S. Environmental Protection Agency to postpone an announcement linking

>>> hydraulic fracturing to groundwater contamination, giving state officials — whom the EPA had privately briefed on the

>>> study — time to attempt to debunk the finding before it rocked the oil and gas industry more than a month later, an

>>> investigation by The Associated Press has found.

>>>

>>> During the delay, state officials raised dozens of questions about the finding that the controversial procedure that

>>> has become essential to unlocking oil and gas deposits in Wyoming and beyond may have tainted groundwater near the gas

>>> patch community of Pavillion.

>>>

>>> Gov. Matt Mead contacted EPA Director Lisa Jackson and persuaded her to hold off any announcement, according to state

>>> emails and an interview with the governor. The more than 11,000 emails made available to AP in response to a state

>>> records request show that Wyoming officials took advantage of the postponement to "take a hard line" and coordinate an

>>> "all-out press" against the EPA in the weeks leading up to the announcement Dec. 8.

>>>

>>> Meanwhile, the chief state regulator of oil and gas development fretted over how the finding would affect state revenue.

>>>

>>> And even as the state questioned the EPA's science, there were internal doubts about how effective those objections

>>> would be.

>>>

>>> "It's already too late. The White House has already seen the report with conclusions," wrote Gary Strong, an engineer

>>> with the Wyoming Oil and Gas Conservation Commission, following a presentation by EPA deputy assistant regional

>>> administrator Martin Hestmark. The emails indicate that the federal agency was being pressed by the White House to

>>> release its report.

>>>

>>> But the state's questions did set the stage for additional groundwater and household well water sampling in the

>>> Pavillion area that began a couple weeks ago.

>>>

>>> The struggle by both Wyoming officials and the EPA for message control shows the extent to which they fretted about
>>> the findings. Wyoming depends on oil and gas for its economic well-being while environmentalists have pushed the
>>> <<http://www.sfgate.com/barack-obama/>>Obamaadministration to crack down on a process responsible for increasing U.S.
>>> onshore production.
>>>
>>> The worry wasn't misplaced: Though the findings were unique to Pavillion, they ricocheted amid heightened scrutiny of
>>> fracking in other drilling regions including the Marcellus Shale states of New York, Ohio and Pennsylvania.
>>>
>>> The emails also suggest an uneasy partnership now that the EPA and Wyoming, as well as U.S. Geological Survey and two
>>> American Indian tribes, say they are working together on further study of the Pavillion groundwater.
>>>
>>> However, some recent re-sampling by the EPA of household well water in the Pavillion area took Mead and other state
>>> officials by surprise. They had presumed that only two monitoring wells the EPA had drilled to test for groundwater
>>> pollution would be retested this spring.
>>>
>>> "I won't tell anybody not to test. But if you're going to test, you need to bring everyone in the process," Mead said
>>> in an interview Monday.
>>>
>>> The EPA did not make Jackson available for an interview. EPA Region 8 Director Jim Martin said in a statement through
>>> spokesman Richard Mylott that the EPA "has been transparent and has relied on the best science" to inform
>>> Pavillion-area residents about their water.
>>>
>>> Environmentalists including the Natural Resource Defense Council and Sierra Club have looked to the Obama
>>> administration EPA to get tougher on fracking, the practice of cracking open oil and gas deposits by pumping
>>> pressurized water, fine sand and chemicals down well holes. They maintain that fracking is a threat to clean groundwater.
>>>
>>> The EPA study in the Pavillion area followed years of complaints from homeowners that their well water took on a
>>> chemical stink around the time that fracking picked up in their neighborhood about eight years ago. Environmentalists
>>> welcomed the draft report as validation of their concerns.
>>>
>>> Wyoming is the third-ranked state for onshore gas production and ninth for onshore oil production. Nearly every new
>>> oil and gas well in Wyoming that isn't a coal-bed methane well is fracked.
>>>
>>> In internal emails that followed the Nov. 4 briefing, state officials expressed support for fracking as critical to
>>> oil and gas extraction, a \$7.7 billion a year industry in Wyoming that accounts for 20 percent of the state's gross
>>> domestic product.
>>>
>>> "The limiting of the hydraulic fracturing process will result in negative impacts to the oil and gas revenues to the
>>> state of Wyoming. A further outcome will be the questioning of the economic viability of all unconventional and tight
>>> oil and gas reservoirs in Wyoming, across the United States, and ultimately in the world," wrote Tom Doll, supervisor
>>> of the Oil and Gas Conservation Commission, in a long email that circulated among top state officials.
>>>
>>> Wyoming's top state regulator of oil and gas development, including essentially all fracking in the state, Doll was a
>>> district manager for Tulsa, Okla.-based Williams Production Company until 2008.
>>>
>>> The spark for Doll's missive was the closed-door meeting at Wyoming Department of Environmental Quality headquarters
>>> in Cheyenne two days earlier. EPA administrator Martin briefed Wyoming officials about what the EPA was about to
>>> announce based on its research in Pavillion. Doll took part by phone.
>>>
>>> "Contaminants present at high concentrations in the deep monitoring wells are likely a result of hydraulic
>>> fracturing," read a "Key Findings" slide in an EPA PowerPoint shown at the meeting. Each slide was marked
>>> "Confidential--Do Not Disclose."
>>>
>>> The public announcement more than a month later stated that the groundwater "contains compounds likely associated with
>>> gas production practices, including hydraulic fracturing."
>>>
>>> The EPA also suggested at the private meeting that gas development likely had contaminated household well water in the
>>> Pavillion area but that current data did not definitively support such a link. The EPA has made no such claim in
>>> public to date.

>>>
>>> Emails show that Mead sought to reach Jackson within hours. Mead confirmed that he got her to hold off on the findings
>>> report until state officials could review the data.
>>>
>>> "When I talked to Lisa Jackson they were going to release the findings regardless. That wasn't even the question. The
>>> question was on the timing of it. We wanted a chance to see what are they basing this on," Mead told the AP.
>>>
>>> "She said, 'Well, maybe we can hold off a couple weeks to give you guys this data.'"
>>>
>>> The EPA released raw data on pollution in the two monitoring wells at a public meeting in Pavillion on Nov. 9, five
>>> days after the private state briefing. Among the pollutants was the carcinogen benzene as high as 50 times the EPA
>>> limit. The EPA showed a PowerPoint similar to the one shown at the private meeting but without announcing any
>>> findings. There was no "Key Findings" slide.
>>>
>>> Releasing the data and findings outside of the purview of two "working groups" angered state regulators. The working
>>> groups made up of state and EPA officials had been examining the Pavillion pollution for the better part of a year.
>>>
>>> Wyoming didn't take the news from the private EPA briefing sitting down.
>>>
>>> The state could "get ahead of the curve" by assigning its own experts to review the data, suggested John Corra, the
>>> environmental quality director.
>>>
>>> "Sort of an all out press," Corra wrote to Doll and others Nov. 7.
>>>
>>> Doll suggested to Corra and others in a Nov. 19 email that Wyoming take "a hard line" after one EPA official told them
>>> to drop their concerns.
>>>
>>> "EPA has not substantially defended their explanation, the data is questionable on many levels, and EPA has ignored
>>> our alternative explanations," Doll wrote.
>>>
>>> Dozens of questions from state regulators followed. They included why the monitoring well water samples had high pH
>>> readings. The EPA report referred to the high pH and mentioned the detection of potassium hydroxide, a basic chemical
>>> used in fracking.
>>>
>>> Pavillion residents didn't hear about the finding before the public announcement, said John Fenton, chairman of
>>> Pavillion Area Concerned Citizens.
>>>
>>> Fenton said he was unhappy that regulators hadn't kept local residents fully apprised of the latest developments
>>> concerning their water supply. Yet he held EPA in higher regard than the state officials he said ignored Pavillion for
>>> years, prompting residents to request the EPA investigation.
>>>
>>> "Those of us living out here, we don't trust the state," he said.
>>>
>>> State officials actively kept the media in the dark about the upcoming EPA announcement, even as reporters questioned
>>> them about the data.
>>>
>>> "My sense is that the reporter was searching for a conflict to write about, and I tried to head that off," Corra wrote
>>> Nov. 29 to several other state officials about one reporter's questions.
>>>
>>> Another state regulator suggested that Wyoming officials keep in mind how they're perceived while they questioned the
>>> EPA data.
>>>
>>> "This could go on for a long time, during which we'll likely continue to be in an adversarial discussion with EPA, the
>>> public and the press," the Department of Environmental Quality's groundwater chief, Kevin Frederick, wrote to Corra on
>>> Dec. 2. "Is there a way to shift the focus of discussion to show the State in a more positive light while the present
>>> uncertainties continue to simmer?"
>>>
>>> The additional sampling since agreed to has extended the study of the Pavillion groundwater. Peer review of the
>>> sampling results, set to begin this spring, now is scheduled for this fall.

>>>

>>>

>>>

>>> --

>>> Frances A. Hunt

>>> Director, Resilient Habitats Campaign

>>> Sierra Club

>>> 50 F Street, NW

>>> Washington, DC 20001

>>

>>

>

> --

> Theo Colborn, PhD

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> <http://www.endocrinedisruption.org>

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